

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Review of the Emergency Alert System) EB Docket No. 04-296
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To:

**COMMENTS OF CHARLESTON COUNTY,
SOUTH CAROLINA, ASSOCIATED
WITH FURTHER NOTICE OF PROPOSED
EMERGENCY ALERT SYSTEM
RULEMAKING**

Charleston County, South Carolina (Charleston County) by its cable consultant, and in accordance with Sections 1.415, and 1.419 of Commission rules, submits these Comments associated with the Commission's Further Notice of Proposed Emergency Alert System Rulemaking.

Succinctly put, it is both critical and vital for the Commission to preserve and reserve broad EAS authority (stated and discretionary) to local governments (LGs) with respect to imminent and actual emergencies. Admittedly, there are emergency situations that are better addressed (at least at the initial stages) by Federal and State government authorities. Such

emergency situations include the following: 1) controlled, widespread acts of terror; 2) biological or chemical threats or attacks; 3) nuclear threats or attacks; 4) controlled acts or attacks constituting computer hacking of protected personal/military/utility information, or mass cyber-stealing; and 5) controlled, widespread acts of food or LG drinking water sabotage. However, the sobering reality is that actual effect and impact of emergencies occur at the local level. To put it another way, for every hurricane, flood, wildfire, aircraft crash, or hazardous spill, there is a local ground zero. Consequently, it is that local ground zero that is of particular concern to local government officials, particularly those officials concerned with responding to emergency situations.

While it is true that it is necessary for the Commission to establish a broad national framework for addressing, and responding to, complex, varied, and widespread emergency situations, it is equally true that the Commission must recognize the hands-on importance of LGs in the **last alert, and first response**, of a natural emergency, or localized environmental disaster. Therefore, any **last alert, and first response** policy cannot be a cookie-cutter, one-size fits all set of provisions and standards. Rather, any **last alert, and first response** policy must allow ample flexibility for each local government to protect the diverse interests of its residents. Even adjoining LGs may have significantly different concerns with respect to **last alert, and first response** before, during, and after an emergency situation. For example, adjoining LGs

may have different evacuation plans and paths during a hurricane, and/or snowstorm event. As a result, local officials must have the same flexibility, in order to provide a **last alert, and first response** that takes into account a multitude of factors, including—1) the area of impact (and its population); 2) the presence, or lack, of local, state, or national landmarks; 3) co-ordination of transportation resources; 4) co-ordination of strategic first response resources; 5) and location and resources residing within designated emergency shelters. The bottomline is that local government officials have a better understanding and handle on the neighborhood and regional nuances that are associated with a host of emergency situations ranging from Amber alerts and pipeline explosions, to sinkholes and hazardous substance leaks.

Charleston County, South Carolina recognizes its responsibility with respect to EAS **last alert, and first response**. Specifically, Charleston County's comprehensive Cable Television Regulatory Ordinance includes EAS provisions (Section 19.5-250 of the Ordinance). The County's cable ordinance embraced the Commission's EAS rules. In addition, Charleston County enacted enhanced EAS provisions, in order to allow a designated local government official the ability to individually handle different emergency situations.

Thereafter, Charleston County and each cable operator incorporated aspects of the locally-imposed EAS provisions into each cable franchise agreement. That cable operators acknowledged the value of local EAS

enhancements by referencing such in the franchise agreements is significant because such acknowledgment clearly shows that cable operators understand the value of EAS **last alert, and first response**.

Returning to the County's Cable Ordinance, Section 19.5-250, sets forth the overall EAS provisions. In relevant part, Charleston County's EAS provisions read as follows:

- (c) In addition to the terms, conditions, provisions, and requirements contained in subsections (a) and (b) of this section, each cable operator shall provide the county (at its designated emergency alert or emergency preparedness center) with an emergency alert override capability in order to permit a designated emergency official of the county to interrupt and cablecast county-wide an audio and video message on all channels simultaneously, except for local broadcast channels that do not provide authorization for the same, in the event of an actual, imminent, or pending disaster, public emergency or catastrophic event. Said emergency official shall have the ability to cablecast an audio and video image for a limited-duration interruption of all channels as set forth above. This limited-duration interruption may be repeated as frequently as deemed necessary by said emergency official. Thereafter, as long as the emergency need exists as determined by said emergency official a crawl message will run on all channels, except as noted above, with context as determined by said emergency official. In addition, as long as the emergency need exists as determined by said emergency official, said official may cablecast continuous live and video on the county government access channel. Each cable operator shall also make its facilities available during emergency, disaster, or catastrophic event periods upon the request of the designated emergency official.

- (d) In addition to the terms, conditions, provisions, and requirements contained in subsections (a), (b), and (c) of this section, each cable operator shall provide the appropriate state-of-the-art and/or technologically-advanced cable and/or communications lines to the county's designated emergency alert or emergency preparedness center, so that the county will be able [to] conduct an EAS override. In addition, each cable operator shall provide to the county all of the appropriate equipment necessary to cablecast an audio and video message on all channels throughout the county, and to all of the appropriate equipment necessary to cablecast an audio and video message on all channels throughout the county, and to all subscribers of each cable operator. Furthermore, each cable operator shall adequately train employees/official of the county, so that such county employees/officials may properly use and operate the aforementioned equipment.

Charleston County's EAS enhancements recognize the importance of maintaining updated technology, and the training necessary to use such updated technology.

Charleston County's EAS enhancements also recognize the importance of local flexibility, in that the reservation/preservation of providing a local crawl message allows the dissemination of important and vital information on a virtual instantaneous basis.

Switching gears, the Commission also requested comment on its consideration of adopting threshold EAS standards for non-English speakers, and persons with hearing and vision disabilities. At the outset, it should be noted that the County generally commends the Commission for considering

such a rule. Ultimately, EAS cannot be either successful or useful, if it has no practical application for those individuals who have not yet mastered English, and for those who are either hearing or vision-impaired.

While it is quite logical that the Commission adopt threshold EAS standards concerning non-English speakers, and persons with hearing and vision disabilities, it is equally logical that LGs have the ability to enhance and customize such EAS rules to the practical realities of the LGs. In that way, a one-size Commission-adopted EAS rule might actually fit, if tweaked a bit at the local level.

WHEREFORE, Charleston County, based on the above discussion, respectfully requests the following from the Commission:

- 1) protect, preserve, and reserve broad-based local government EAS authority, especially as it relates to providing a **last alert, and first response** in times of local disasters and emergencies;
- 2) preserve, under conditions established by the Commission, the ability of local governments to enhance, and/or revise Commission-adopted rules, regulations, and policies concerning the provision of EAS for non-speakers of English, and those who are hearing, and/or vision-impaired; and
- 3) acknowledge the co-operative nature of local governments with respect to providing **last alert, and first response** in a number of different types of local disasters and emergencies.

Respectfully submitted,

this 3rd Day of December, 2007

By: **Michael D. Hunt**

Michael D. Hunt
Charleston County Cable
Consultant
3501-B North Ponce de Leon
Blvd.
#372
St. Augustine, Florida 32084
904-955-1738

CERTIFICATE OF SERVICE

I, Michael D. Hunt, cable consultant for Charleston County, South Carolina, hereby certify that, on this 3rd day of December 2007, Comments of Charleston County, South Carolina Associated with Further Notice of Proposed Emergency Alert System Rulemaking have been electronically filed with the Commission.